

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

FIELDS	§	
	§	
Plaintiff	§	
	§	
V.	§	No. 5:04CV284
	§	
COOPER TIRE & RUBBER CO., ET AL.	§	
Defendants	§	

AMENDED MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Plaintiff objects to the Magistrate Judge's recommendation that Defendants' motion for summary judgment be granted and Plaintiff's cause of action be dismissed with prejudice. Specifically, Plaintiff states she "did everything to exhaust administrative remedies before [she] filed against Cooper Tire & Rubber Company."¹ Plaintiff refers to her incarceration and her requests for appointment of counsel, which were denied, asserting she needed and did not receive help in gathering important information to present to the Court in opposition to Defendants' motion. She further states she did not understand that Defendants' requests for admission would be deemed admitted if she did not answer them. Finally, Plaintiff reargues her allegations; however, she does not provide the Court with any evidence or documentation in support of her arguments.

¹ Plaintiff's Objections at pg. 2.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Motion for Summary Judgment on Behalf of All Defendants, Jointly and Severally (Dkt. No. 30) is **GRANTED**. It is further

ORDERED that Plaintiff's above-entitled and numbered cause of action is **DISMISSED WITH PREJUDICE**. The Final Judgment dated November 29, 2005 remains in effect.

SIGNED this 2nd day of December, 2005.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE